Amendments to the Claims:

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A positive electrode active material for a nonaqueous electrolyte secondary battery having at least a lithium-transition metal composite oxide of a layer structure,

wherein ~~in which~~ an existence ratio of at least one surface element selected from the group consisting of magnesium and elements which may become tetravalent ~~and magnesium~~ is 20% or more on a surface of the lithium-transition metal composite oxide.

2. (Currently Amended) The positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ wherein the surface element is zirconium.

3. (Currently Amended) The positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ wherein the surface element is magnesium.

4. (Currently Amended) The positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ wherein the surface element is titanium.

5. (Currently Amended) The positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ wherein the surface elements are zirconium and magnesium.

6. (Currently Amended) ~~A~~ The positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, ~~having at least a lithium-transition metal composite oxide of a layer structure, in which~~ wherein:

the lithium-transition metal composite oxide is at least one selected from the group consisting of lithium nickel cobaltate, lithium nickel cobalt aluminate, and lithium nickel cobalt manganate; and ~~having on at least a surface thereof at least one~~ the surface element ~~selected from the group consisting of zirconium and magnesium~~ is magnesium, zirconium, or magnesium and zirconium.

7. (Currently Amended) A positive electrode mixture, ~~containing~~ comprising:

the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, and

a conductive agent,

wherein the surface element ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ exists between the positive electrode active material ~~for a nonaqueous electrolyte secondary battery~~ and the conductive agent.

8. (Currently Amended) A positive electrode mixture, ~~containing~~ comprising:

the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 2, and

a conductive agent,

wherein the surface element ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ exists between the positive electrode active material ~~for a nonaqueous electrolyte secondary battery~~ and the conductive agent.

9. (Currently Amended) A positive electrode mixture, ~~containing~~ comprising:

the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 3, and

a conductive agent,

wherein the surface element ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ exists between the positive electrode active material ~~for a nonaqueous electrolyte secondary battery~~ and the conductive agent.

10. (Currently Amended) A positive electrode mixture, ~~containing~~ comprising:

the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 4, and

a conductive agent,

wherein the surface element ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ exists between the positive electrode active material ~~for a nonaqueous electrolyte secondary battery~~ and the conductive agent.

11. (Currently Amended) A positive electrode mixture, ~~containing~~ comprising:

the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 5, and

a conductive agent,

wherein the surface elements ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium exists~~ exist between the positive electrode active material ~~for a nonaqueous electrolyte secondary battery~~ and the conductive agent.

12. (Currently Amended) A positive electrode mixture, ~~containing~~ comprising:

the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 6, and

a conductive agent,

wherein the surface element ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ exists between the positive electrode active material ~~for a nonaqueous electrolyte secondary battery~~ and the conductive agent.

13. (Currently Amended) A nonaqueous electrolyte secondary battery, ~~including~~ comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.

14. (Currently Amended) A nonaqueous electrolyte secondary battery, ~~including~~ comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 2;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.

15. (Currently Amended) A nonaqueous electrolyte secondary battery, ~~including~~ comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 3;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.

16. (Currently Amended) A nonaqueous electrolyte secondary battery, ~~including~~ comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 4;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.

17. (Currently Amended) A nonaqueous electrolyte secondary battery, ~~including~~ comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the

positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 5;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.

18. (Currently Amended) A nonaqueous electrolyte secondary battery, ~~including~~ comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 6;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.